

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

In re:	)	
	)	
Aearo Technologies LLC, <i>et al.</i> , <sup>1</sup>	)	Chapter 11
	)	
Debtors.	)	Case No. 22-02890-JGG-11
	)	
	)	
3M OCCUPATIONAL SAFETY LLC,	)	
AEARO HOLDING LLC, AEARO	)	
INTERMEDIATE LLC, AEARO LLC,	)	
AND AEARO TECHNOLOGIES LLC,	)	
	)	
Plaintiffs,	)	
v.	)	Adv. Pro. No. 22-50059
	)	
THOSE PARTIES LISTED ON	)	
APPENDIX A TO THE COMPLAINT	)	
and JOHN AND JANE DOES 1-1000,	)	
	)	
Defendants.	)	
	)	

**AMENDED AGREED ENTRY RESOLVING  
DEBTORS' REQUEST FOR A TEMPORARY RESTRAINING ORDER**

This amended agreed entry (the “Agreed Entry”) is made and entered into by and among the above-captioned debtors and debtors-in-possessions (the “Debtors”) and Aylstock, Witkin, Kreis & Overholtz, PLLC (“AWKO”) and Seeger Weiss LLP (“Seeger Weiss”, together with the Debtors and AWKO, collectively, the “Parties”). The Parties, by and through their authorized representatives, hereby stipulate and agree as follows:

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<sup>1</sup> The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor’s federal tax identification number, are set forth in the *Order (I) Directing Joint Administration of Chapter 11 Cases and (II) Granting Related Relief* [Docket Nos. 37–42]. The location of the Debtors’ service address for the purposes of these Chapter 11 Cases is: 7911 Zionsville Road, Indianapolis, Indiana 46268

## RECITALS

**WHEREAS**, on July 26, 2022, each of the above captioned debtors and debtors in possession (collectively, the “Debtors”) filed a voluntary petition under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Southern District of Indiana (the “Court”);

**WHEREAS**, on July 26, 2022, the Debtors filed the *Debtors’ Complaint For Declaratory And Injunctive Relief (I) Confirming That The Automatic Stay Applies To Certain Actions Against A Non-Debtor; (II) Preliminarily Enjoining Certain Actions Against A Non-Debtor; And (III) Granting A Temporary Restraining Order Pending An Order On The Preliminary Injunction* [Adv. Proc. No. 1] (the “Adversary Complaint”) and a motion seeking the same relief requested in the Adversary Complaint [Adv. Proc. No. 2] (“Preliminary Injunction Motion”), commencing the above-captioned adversary proceeding (the “Adversary Proceeding”);

**WHEREAS**, on July 26, 2022, the Court entered the *Order on Debtors’ Ex Parte Motion to Shorten Notice and Set an Expedited Hearing on the Debtors’ Request for a Temporary Restraining Order* [Adv. Proc. No. 9] scheduling a hearing (the “TRO Hearing”) with respect to the portion of the Preliminary Injunction Motion seeking a temporary restraining order (the “TRO Request”);

**WHEREAS**, on July 27, 2022, AWKO filed the *Objection of Aylstock, Witkin, Kreis & Overholtz PLLC to Debtors’ Request for a Temporary Restraining Order* [Adv. Proc. No. 16] (the “AWKO Objection”) and Seeger Weiss filed a joinder to the AWKO Objection [Adv. Proc. No. 19] (the “Seeger Weiss Joinder” and, together with the AWKO Objection, collectively, the “Objections”);

**WHEREAS**, a coordinated multidistrict litigation styled *In re 3M Combat Arms Earplug Products Liability Litigation*, Case No. 3:19-md-02885-MCR-GRJ (N.D. Fla.) (the “MDL”) is pending before the United States District Court for the Northern District of Florida (the “MDL Court”);

**WHEREAS**, on July 29, 2022, consistent with the agreement memorialized herein, the MDL Court entered the *Case Management Order No. 49 (Amended Discovery & Wave Schedule)* [MDL Dkt. No. 3352] (the “MDL Scheduling Order”); and

**WHEREAS**, the Parties have agreed to compromise and consensually resolve the Objections and the TRO Request on the terms set forth below and as reflected in the MDL Scheduling Order.

### **STIPULATION**

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT:

1. This Agreed Entry shall be effective and enforceable upon its approval and entry by the Court on the docket in the Adversary Proceeding.
2. The final hearing (the “Final Hearing”) on the Preliminary Injunction Motion shall be held before the Honorable Chief Judge Jeffrey J. Graham on **August 15, 2022, at 9:00 a.m. (prevailing Eastern Time)** at the United States Bankruptcy Court for the Southern District of Indiana, Indianapolis Division, 46 East Ohio Street, Indianapolis, Indiana 46204, in Courtroom 307.
3. The MDL Scheduling Order is consistent with the colloquy on the record at the TRO Hearing, at which time the Parties agreed to seek entry of an order from the MDL Court presiding over the MDL providing that (i) all depositions (plaintiff, fact, and expert) scheduled for the next three weeks (i.e., anything between July 27, 2022 and August 17, 2022) in Wave cases,

as such cases are identified in various MDL orders, be continued; (ii) any discovery deadlines in the MDL Wave cases that have not already expired shall be continued three weeks; and (iii) 3M Company and the MDL plaintiffs shall comply with the current MDL deadlines for briefing on Wave 1 Summary Judgment and *Daubert* Response or Venue Disputes.

4. This Agreed Entry shall resolve AWKO and Seeger Weiss's Objections and the TRO Request.

5. The undersigned hereby represent and warrant that they have full authority to execute this Agreed Entry on behalf of the respective Parties and that the respective Parties have full knowledge of and have consented to this Agreed Entry.

Dated: August 2, 2022

Respectfully submitted,

/s/ Jeffrey A. Hokanson

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